COMMISSION DELEGATED REGULATION (EU) 2022/1357

of 25 May 2022

amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards king scallops (*Pecten maximus*) in the English Channel

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 ([1]), and in particular Article 15(2) thereof,

Whereas:

(1) Annex VI to Regulation (EU) 2019/1241 provides for specific provisions regarding technical measures established at regional level for the North Western Waters.

(2) Belgium, Ireland, France, the Netherlands and Spain ('the Member States concerned') have a direct fisheries management interest in the English Channel. In accordance with Article 15(3) of Regulation (EU) 2019/1241, the Member States concerned submitted the joint recommendation to the Commission for a delegated act on 30 April 2021. The joint recommendation was sent by the Member States concerned to the North Western Waters Advisory Council (NWWAC) for consultation.

(3) The joint recommendation submitted by the Member States concerned as regards king scallops (*Pecten maximus*) in the English Channel suggested the introduction of a stock recovery area in Union waters of ICES division 7d south of latitude 49°42′ N and up to the limit of the French territorial waters, and the introduction of a closed season in Union waters of ICES divisions 7d and 7e.

(4) In summer 2021, the Union and the United Kingdom held discussions with a view to seek an ad hoc agreement for seasonal closures as regards king scallops for 2021. These seasonal closures were based on the measures proposed in the joint recommendation submitted by the Member States concerned on 30 April 2021. As a result, a mutually satisfactory approach was agreed whereby specific seasonal scallop fishing closures in the Channel were respected by the Union and the United Kingdom from August to October 2021.

(5) Given that the joint recommendation proposes changes to Annex VI of Regulation (EU) 2019/1241, this delegated Regulation aims at incorporating the provisions requested by the Member States concerned into one single act.

(6) The measures included in this Regulation have been evaluated in accordance with Article 15 of Regulation (EU) 2019/1241. Member States concerned provided evidence to demonstrate that the proposals comply with Article 15(4) of Regulation (EU) 2019/1241.

(7) The Fisheries and Aquaculture Expert Group was consulted through written procedure.

([1]) OJ L 198, 25.7.2019, p. 105.

(8) The Scientific, Technical and Economic Committee for Fisheries (STECF) analysed and positively assessed the evidence presented by the Member States concerned. It concluded ([2]) that the prohibition of king scallop fishing by all fleets during a specified time period represents a major step forward and follows the conclusions of STECF ([3]). The STECF further concluded that an extended timeframe (15 May to 15 October) for the closure in the eastern English Channel south of latitude 49°42′ N is likely to be beneficial for stock biomass. In addition, the STECF stated that while the closure in the rest of area of ICES divisions 7d and 7e (15 May to 30 September) is slightly shorter than that for the Baie de Seine, this measure is still likely to be beneficial given it applies to all fleets. The proposed measures should therefore be included in this Regulation.

(9) The measures in this Regulation applicable to Union waters are in pursuit of the objectives set out in Article 494(1) and (2) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('the Agreement'), and have regard to the principles referred to in Article 494(3) of that Agreement. They are without prejudice to any measures applicable in waters of the United Kingdom.

(10) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/1241 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 May 2022.

For the Commission
The President
Ursula VON DER LEYEN

([2]) Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of Joint Recommendations on the Landing Obligation and on the Technical Measures Regulation (STECF-21-05). EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76-40593-1, doi:10.2760/83668, JRC126128.

([3]) Scientific, Technical and Economic Committee for Fisheries (STECF) – 52nd Plenary Meeting Report (PLEN-16-02); Publications Office of the European Union, Luxembourg; EUR 28106 EN; doi:10.2788/6958.

ANNEX

In Annex VI to Regulation (EU) 2019/1241, in Part C, the following point is added:

'11. Conservation measures for the king scallop (*Pecten maximus*) stock in ICES divisions 7d and 7e.

11.1. Stock recovery area for the king scallop stock in Union waters of ICES division 7d in the eastern English Channel south of latitude 49°42′ N and up to the limit of the French territorial waters:

(a) Each year, from 15 May to 15 October, it shall be prohibited to conduct any king scallop fishing with dredges.

11.2. Closed season in the king scallop fishery in Union waters of ICES divisions 7d and 7e:

(a) Each year, from 15 May to 30 September, it shall be prohibited to conduct any king scallop fishing with dredges in Union waters of ICES division 7d (corresponding to the eastern English Channel), not covered by the stock recovery area referred to in point 11.1.

(b) Each year, from 15 May to 30 September it shall be prohibited to conduct any king scallop fishing with dredges within the boundaries of the North Finistère area in Union waters of ICES division 7e (corresponding to the western English Channel) and within a perimeter of one nautical mile to the northern boundary, within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 coordinate system:

48°54′23″ N, 5°00′00″ W

49°22′34.576″ N, 4°02′45.078″ W

49°22′54.465″ N, 3°49′14.415″ W

49°22′20″ N, 3°44′18.999″ W

49°23′51″ N, 3°36′54″ W

49°06′32.121″ N, 3°13′01.174″ W

49°06′03.993″ N, 3°23′27.255″ W

49°04′52.068″ N, 3°37′04.22″ W

48°59′49.782″ N, 3°57′07.907″ W

49°01′13.191″ N, 3°57′47.006″ W

48°43′55.255″ N, 4°20′24.785″ W

48°42′16.586″ N, 4°31′04.325″ W

48°39′34″ N, 4°36′25.999″ W

48°39′26.901″ N, 4°44′39.883″ W

48°36′17″ N, 4°49′32″ W

48°52′36″ N, 4°52′45″ W

48°49′07″ N, 4°59′26″ W'.